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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,324	07/10/2003	Timothy Gordon Godfrey	050337-1220 (05CXT0061 WL	2826
24504 7590 09/14/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			EXAMINER VIANA DI PRISCO, GERMAN	
			ART UNIT 2616	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/617,324	Applicant(s) GODFREY ET AL.	
	Examiner German Viana Di Prisco	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/29/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to Applicant's communication filed on June 29, 2007.

Claims 1-24 are now pending in the present application. **This Action is made non-final.**

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2,7,15 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The IEEE 802.11 protocols comprise a series of standards that continue to evolve. Applicants need to indicate the date of the particular standard(s) being referenced to in the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al (United States Patent Application Publication No.: US 2003/0156558 A1) in view of Rune (United States Patent Application publication No.: US 2006/0062187 A1).

Consider claims 1 and 6, Cromer et al clearly show and disclose a receiver (AP 48) receiving a first frame from a shared-communications channel (with access to the Internet, figure 2 and paragraph [0006], which inherently teaches the use of internet protocol addresses) wherein said first frame comprises: (i) a first basic service set

identifier (MAC address of AP 48); (ii) a first internet protocol address (source address of MU 44); and (iii) a second internet protocol address (Internet destination address); a processor (in AP 48) for passing said first frame based on said first basic service set identifier (MU 44 is allowed to access the network); and a transmitter (MU 40) transmitting a second frame into said shared-communications channel wherein said second frame comprises: (i) a second basic service set identifier that is different from said first basic service set identifier (MAC address of AP 41); (ii) a third internet protocol address that is different from said first internet protocol address (source address of MU 40); and (iii) said second internet protocol address (both MUs accessing the same internet site) (figure 3 and paragraph [0057]).

However Cromer et al do not specifically disclose tagging said first frame with a tag that represents said first basic service set identifier.

In the same field of endeavor Rune teaches adding a tag to the frame header based on basic service set identifier (MAC address) (paragraphs [0015]-[0022]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add a tag to a frame as disclosed by Rune in the method and apparatus of Cromer et al in order to identify a particular frame or frames.

Consider claims 2 and 7 and as applied to claims 1 and 6 respectively above, Cromer et al teach a transmitter (MU 30, MU 40) transmits in accordance with an IEEE 802.11 air interface protocol (figure 3 and paragraph [0114]).

Consider claims 3 and 8 and as applied to claims 1 and 6 respectively above, Cromer et al teach a mobile unit (MU 44) communicating with an access point (AP 48) in accordance with an IEEE 802.11 protocol, this implies that the first basic service set identifier is the medium access control address of a wireless interface in an access point.

Consider claims 4 and 9 and as applied to claims 1 and 6 respectively above, Cromer et al teach passing frames comprising an infrastructure basic service set identifier (infrastructure connection between AP 48 and MU 44) and frames comprising an independent basic service set identifier (ad hoc connection between MU 42 and MU 44)(figure 3 and paragraph [0058]).

Consider claims 5 and 10 and as applied to claims 1 and 6 respectively above, Cromer et al teach a first frame comprising a user data block and a second frame comprising said user data block (users with MUs operating according to an IEEE 802.11 protocol share data) (paragraph [0005]).

7. Claims 11,15-17,18 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frodigh et al (Wireless ad hoc networking – The art of networking without a network), Ericsson Review No. 4, 2000) in view of Chen (United States Patent Application Publication No.: US 2003/0210700 A1).

Consider claims 11 and 18, Frodigh et al teach a receiver (notebook computer, a processor) receiving a first frame from a shared-communications channel wherein said first frame comprises: (i) a first basic service set identifier; (figure 1 shows a notebook computer, a processor, forming an infrastructure connection with an access point, inherently teaching the use of a first basic service set identifier); and (ii) a first internet protocol address (figure 1 further shows a user retrieving e-mail to a notebook computer, inherently teaching a first internet protocol address); passing (by notebook computer) said first frame based on said first basic service set identifier; and a transmitter (notebook computer) for transmitting a second frame into said shared-communications channel wherein said second frame comprises: (i) a second basic service set identifier (figure 1 shows a PDA forming an ad hoc connection with a notebook computer, inherently teaching a second basic service set identifier); and a second internet protocol address (figure 1 further shows a user replying to e-mail via the PDA, inherently teaching the use of a second internet protocol address); (figure 1 and pages 249-252).

Nonetheless Frodigh et al do not specifically teach translating the first internet protocol address to a second internet protocol address.

In the same field of endeavor Chen discloses using Network Address Translation to translate a first internet protocol address (global internet protocol address) to a second internet protocol address (private internet protocol address) (figure 3a and paragraphs [0027] and [0041]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to translate internet protocol addresses as disclosed by Chen in the system of Frodigh et al in order to share an Internet connection.

Consider claims 15 and 22 and as applied to claims 11 and 18 respectively above, Frodigh et al as modified by Chen disclose a transmitter (notebook computer in figure 1) that operates in accordance with an IEEE 802.11 air interface protocol (page 251).

Consider claims 16 and 23 and as applied to claims 11 and 18 respectively above, Frodigh et al as modified by Chen teach a notebook computer communicating with an access point in an infrastructure connection, this implies that the first basic service set identifier is the medium access control address of a wireless interface in an access point (figure1).

Consider claims 17 and 24 and as applied to claims 11 and 18 respectively above, Frodigh et al as modified by Chen teach passing frames comprising an infrastructure basic service set identifier (corresponding to infrastructure connection between notebook computer and access point in figure 1) and frames comprising an independent basic service set identifier (corresponding to ad hoc connection between notebook computer and PDA in figure 1).

8. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable Frodigh et al (Wireless ad hoc networking – The art of networking without a network),

Ericsson Review No. 4, 2000) in view of Chen (United States Patent Application Publication NO. US 2003/0210700 A1), and further in view of Rune (United States Patent Application publication No.: US 2006/0062187 A1).

Consider claims 12 and 19 and as applied to claims 11 and 18 respectively above, the combination of Frodigh et al and Chen disclose the claimed invention but do not specifically disclose tagging said first frame with a tag that representative of the first basic service set identifier after the passing.

In the same field of endeavor Rune teaches adding a tag to the frame header based on basic service set identifier (MAC address) (paragraphs [0015]-[0022]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add a tag to a frame as disclosed by Rune in the system of Frodigh et al as modified by Chen in order to identify a particular frame or frames.

9. Claims 13,14,20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frodigh et al (Wireless ad hoc networking – The art of networking without a network), Ericsson Review No. 4, 2000) in view of Chen (United States Patent Application Publication NO. US 2003/0210700 A1), and further in view of Cromer et al (United States Patent Application Publication No.: US 2003/0156558 A1).

Consider claims 13 and 20 and as applied to claims 11 and 18 respectively above, Frodigh et al as modified by Chen disclose a first frame comprising a user data block; and a second frame comprising said user data block (in figure 1 a user retrieves

e-mail to a notebook but reads messages and replies to them via a PDA) but do not specifically disclose a first frame comprising a third internet protocol address and a second frame comprising said third internet protocol address.

In the same field of endeavor Cromer et al disclose a first frame comprising a third internet protocol address and a second frame comprising said third internet protocol address (paragraph [0058]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to transmit and receive a first frame comprising a third internet protocol address and a second frame comprising said third internet protocol address as disclosed by Cromer et al in the system of Frodigh et al as modified by Chen in order to access a network via another mobile unit.

Regarding claims 14 and 21 as applied to claims 13 and 20 respectively above, Frodigh et al as modified by Chen and further modified by Cromer et al teach using encryption (page 253 column 1 lines 1-13).

Response to Arguments

10. Applicant's arguments with respect to claims **1-24** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Viana Di Prisco whose telephone number is (571) 270-1781. The examiner can normally be reached on Monday through Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

German Viana Di Prisco

September 6, 2007



KENNETH VANDERPUYE
SUPERVISORY PATENT EXAMINER